

# **Fiscal Services Division Legislative Services Agency Fiscal Note**

---

HF 752 - Unborn Child, Death or Injury (LSB 3127HV)

Analyst: Beth Lenstra (Phone: (515) 281-6301 (beth.lenstra@legis.state.ia.us))

Fiscal Note Version - New

---

## **Description**

House File 752 defines a “person” to include the unborn as it pertains to victims of first and second degree murder, voluntary manslaughter, and attempted murder. The Bill provides that these crimes do not apply to a legal abortion.

## **Factual Background**

1. There were three convictions under Section 707.8, Code of Iowa, in FY 2003. Two were Class C felony convictions and one was an aggravated misdemeanor conviction. There were no convictions under Section 707.8, Code of Iowa, in FY 2004.
2. There were no convictions under Section 707.7, Code of Iowa, in FY 2003 or FY 2004.
3. First degree murder is a Class A felony, which is life in prison. State costs for one Class A felony conviction are approximately \$94,000.
4. Second degree murder is a Super Class B felony, with a period of confinement not to exceed 50 years. The offender is required to serve 70.0% of the maximum term in the State prison system. State costs for one Super Class B felony conviction for a crime against a person are approximately \$83,000.
5. Voluntary manslaughter is a Class C felony. State costs for one Class C felony conviction for a crime against a person are approximately \$23,000.
6. Attempted murder is a Class B felony. The offender is required to serve 70.0% of the maximum term (25 years) in the State prison system. State costs for one Class B felony conviction for a crime against a person are approximately \$83,000.
7. The costs stated above include the Judicial Branch holding a trial; indigent defense; and supervision while on parole or prison, if applicable. The costs will be incurred across multiple fiscal years.

## **Correctional Impact**

The correctional impact is not anticipated to be significant given the low number of convictions under current law.

## **Fiscal Impact**

The fiscal impact of HF 752 cannot be determined due to insufficient information. The State's increased cost for one conviction for an enhanced penalty is:

- From a Class B to a Class A felony conviction, the cost is approximately \$11,000.
- From a Class C to a Class A felony conviction, the cost is approximately \$71,000.
- From a Class C to a Class B felony, the cost is approximately \$60,000.

**Sources**

Department of Human Rights, Criminal and Juvenile Justice Planning Division  
Department of Corrections  
Judicial Branch  
Office of the State Public Defender

/s/ Holly M. Lyons

---

March 21, 2005

---

The fiscal note and correctional impact statement for this bill was prepared pursuant to Joint Rule 17 and pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Fiscal Services Division, Legislative Services Agency to members of the Legislature upon request.

---